

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/909,857	HILDRETH ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Prabodh M. Dharia	2629	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address--*

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 01-10-2007.
2.  The allowed claim(s) is/are 3-8,11,54-67,99-101 and renumbered as 1-24.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 08-30-06
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

1. **Status:** Please all the replies and correspondence should be addressed to Examiner's new art unit 2629. Receipt is acknowledged of papers submitted on 1-10-2007 under amendments, which have been placed of record in the file. Claims 3-8,11,54-67 and 99-101 are pending in this action. Claims 1,2,9,10,12-53,68-98 and 102-128 are cancelled.

***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 08-30-2006 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Response to Amendment***

3. Applicant has cancelled rejected claims 102-128. Claims 1,2,9,10,12-53 and 68-98 were cancelled. Claims 3-8,11,54-67 and 99-101 were allowed. Applicant's arguments, see Remark, filed 1-10-2007, with respect to Claims 3-8,11,54-67 and 99-101 regarding "first and second video cameras; divide the first and second stereo video images into features; pair features of the first stereo video image with features of the second stereo video image generate a depth description map the depth description map describing the position and disparity of paired features relative to the first and second stereo video images; generate a scene description based upon the depth description map~ the scene description defining a three-dimensional position for each feature; cluster adjacent features; crop clustered feature based upon predefined thresholds; analyze the three-dimensional position of each clustered feature within the object detection

region to determine position information of a control object: and map the position information of the control object to a position indicator associated with the an application program as the control object moves within the object detection region” have been further fully considered, searched and are persuasive as they do overcome prior art rejection; which puts application number 09909857 in condition for allowance.

4. Applicant amended claims by canceling rejected claims 102-128 and corrected grammatical error in claim 99 and has not added any new matters to the claims. The amended claims do have support in specification.

*Allowable Subject Matter*

5. Claims 3-8,11,54-67 and 99-101 are allowed.
6. The following is an examiner’s statement of reasons for allowance:  
Applicant’s argument filed on 01-10-2007 are convincing. As argued by applicant in remarks under claim rejection page 8, paragraphs 2,3, the prior art of Gordon et al. (6,661,918 B1) fails to recite or disclose the uniquely distinct features represented by underlined bold claim below,

**first and second video cameras; divide the first and second stereo video images into features; pair features of the first stereo video image with features of the second stereo video image generate a depth description map the depth description map describing the position and disparity of paired features relative to the first and second stereo video**

images; generate a scene description based upon the depth description map~ the scene description defining a three-dimensional position for each feature; cluster adjacent features; crop clustered feature based upon predefined thresholds; analyze the three-dimensional position of each clustered feature within the object detection region to determine position information of a control object; and map the position information of the control object to a position indicator associated with the an application program as the control object moves within the object detection region

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance.

*Conclusion*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prabodh M Dharia whose telephone number is 571-272-7668. The examiner can normally be reached on M-F 8AM to 5PM.

8. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

PD

AU2629

January 1, 2007



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